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Counsel for The Original Mowbray's Tree Service,
Inc., the Debtor and Debtor-In-Possession

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

THE ORIGINAL MOWBRAY'S TREE
SERVICE, INC.,

Debtor and Debtor-In-Possession.

Case No. 8:24-bk-12674-TA

Chapter 11

**NOTICE OF MOTION FOR AN
ORDER APPROVING EXPEDITED
PROCEDURES FOR THE SALE OF
DE MINIMIS ASSETS PURSUANT
TO 11 U.S.C. § 363**

**[No Hearing Required Pursuant to
Local Bankruptcy Rule 9013-1(o)]**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that The Original Mowbray's Tree Service, Inc., the debtor and debtor-in-possession in the above-captioned case (the "**Debtor**"), has filed a *Motion for an Order Approving Expedited Procedures for the Sale of De Minimis Assets Pursuant to 11 U.S.C. § 363* (the "**Motion**"). The Debtor is requesting that the Court grant the Motion without a hearing as provided for in Local Bankruptcy Rule 9013-1(o), unless a party in interest timely files and serves a written opposition to the Motion and requests a hearing. The Motion is summarized as follows:

1. By the Motion, the Debtor intends to sell certain fully-owned vehicles and equipment (collectively, the "**De Minimis Assets**") that are no longer essential to its ongoing operations. To streamline this process, the Debtor seeks approval of an expedited sale procedure (the "**De Minimis Sale Procedures**"), disposing of these assets without incurring unnecessary costs or delays.

2. The Debtor proposes to implement the De Minimis Sale Procedures by filing and serving a notice of intent to sell the De Minimis Assets on specified notice parties. Sale notices will specify the assets to be sold or transferred, and will include: (a) if the Debtor intends to sell the asset or assets directly to a third party, then (i) the identity of the prospective purchaser or transferee, (ii) the anticipated sale price, and (iii) any agreement with

1 the prospective purchaser or transferee memorializing the proposed sale; or (b) if the Debtor
2 intends to sell the asset or assets through an auction company, then (i) the name of the
3 auctioneer, (ii) the auctioneer's commission fee or commission, and (iii) any minimum or
4 reserve sale price for the asset(s). Notice parties will have fourteen (14) calendar days to
object; if no objection is received, the Debtor will proceed with the sale. If an objection is
filed, the Debtor will attempt to resolve it consensually or seek Court approval before
proceeding.

5 3. The Debtor anticipates that it will dispose of the De Minimis Assets in multiple
6 individual transactions and, for each transaction, the consideration that the Debtor expects to
receive could range from less than \$1,000 to as much as \$75,000.

7 4. The Debtor has determined that the De Minimis Sale Procedures are supported
8 by a sound business reason and are in the best interest of the estate. Selling the De Minimis
9 Assets will eliminate unnecessary costs associated with maintaining unneeded equipment
10 while generating value for the estate. Preparing individual motions for each sale could result
11 in disproportionate administrative expenses relative to an asset's value. The streamlined
procedures proposed will minimize costs, maximize creditor recoveries, and maintain
transparency, allowing interested parties to monitor the Debtor's reorganization efforts
efficiently.

12 **PLEASE TAKE FURTHER NOTICE** that if you oppose the relief sought in the
13 Motion, you must file an opposition and request for a hearing with the Court and serve it on
14 counsel for the Debtor within fourteen (14) days of service of the Notice and Motion, with an
additional three days added for any parties served by mail. Failure to timely file and serve an
opposition may be deemed by the Court to be consent to the granting of the relief sought in the
Motion.

15 If you timely file and serve a written opposition and request for a hearing, the Debtor
16 will file and serve a notice of hearing at least 14 days in advance of the hearing. If you fail to
comply with this deadline:

17 (a) The Debtor will file a declaration to indicate (1) the Motion was
18 properly served, (2) the response period elapsed, and (3) no party filed and served a
19 written opposition and request for a hearing within 14 days after the date of service of
the notice;

20 (b) The Debtor will lodge an order that the Court may use to grant the
Motion; and

21 (c) The Court may treat your failure as a waiver of your right to oppose the
22 Motion and may grant the Motion without further hearing and notice.
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Respectfully submitted,

DATED: January 24, 2025

RAINES FELDMAN LITRELL LLP

By: /s/Robert S. Marticello

ROBERT S. MARTICELLO

MICHAEL L. SIMON

Counsel for The Original Mowbray's Tree
Services, Inc., the Debtor and Debtor-in-
Possession

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION FOR AN ORDER APPROVING EXPEDITED PROCEDURES FOR THE SALE OF DE MINIMIS ASSETS PURSUANT TO 11 U.S.C. § 363** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **1/24/2025**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **1/24/2025**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **1/24/2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

1/24/2025

Date

Ja'Nita Fisher

Printed Name

/s/ Ja'Nita Fisher

Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Kenneth J Catanzarite kcatanzarite@catanzarite.com
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